

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
DEEPROOT CAPITAL MANAGEMENT,	§	
LLC, ET AL.,	§	BANKRUPTCY No. 21-51523
	§	
DEBTORS.	§	JOINTLY ADMINISTERED

**MOTION TO EXPEDITE HEARING ON:
[1] TRUSTEE’S APPLICATION TO EMPLOY
MEL T. DAVIS AS AUCTIONEER [ECF 53]; AND
[2] MOTION OF CHAPTER 7 TRUSTEE FOR AUTHORIZATION TO SELL PROPERTY OF THE
ESTATE BY PUBLIC AUCTION AND
TO AUTHORIZE PAYMENT TO AUCTIONEER FROM SALES PROCEEDS [ECF 54]**

John Patrick Lowe, the Chapter 7 Trustee (“**Trustee**”), files this *Motion to Expedite Hearing on [1] Trustee’s Application to Employ Mel T. Davis as Auctioneer; and [2] Motion of Chapter 7 Trustee for Authorization to Sell Property of the Estate by Public Auction and to Authorize Payment to Auctioneer from Sales Proceeds* (the “**Expedite Motion**”) seeking an expedited hearing on the *Trustee’s Application to Employ Mel T. Davis as Auctioneer* [Doc #53] (the “**Application**”) and the *Motion of Chapter 7 Trustee for Authorization to Sell Property of the Estate by Public Auction and to Authorize Payment to Auctioneer from Sales Proceeds* [Doc # 54] (the “**Motion**”)¹. In support of the Expedite Motion, Trustee respectfully represents as follows:

SUMMARY

¹ Capitalized terms unless otherwise defined herein shall have the same meaning as ascribed to them in the Motion and the Application.

1. Contemporaneously with the filing of the Expedite Motion, Trustee filed the Application and Motion, seeking orders authorizing the employment of Mel T. Davis as auctioneer and approving a sale of parts, inventory, equipment, and furniture located at the Debtors' leaseholds (the "**Assets**") by way of public auction conducted by auctioneer Mel T. Davis. There is immediate need of the services of Mel T. Davis to sell the Debtors' Assets located at the Properties. The Trustee intends to employ Mel T. Davis as auctioneer to sell the Assets at a public auction to clear the Assets from the Properties so that the landlords can each re-lease or sell the Properties. The landlords also have post-petition administrative rent claims. The Properties need to be empty of Debtors' property and sold at an auction as soon as possible.

2. A copy of the proposed order in conformity with Local Rule 9013 is attached hereto as Exhibit A.

RELIEF REQUESTED

3. Pursuant to § 105(a) of the Bankruptcy Code, "[t]he court may issue any order . . . that is necessary or appropriate to carry out the provision of this title." Rule 9006 of the Federal Rules of Bankruptcy Procedure allows the Court to grant the relief requested herein. The Trustee requests that the Court set an expedited hearing on or before Friday, February 11, 2022, to consider the relief requested in the Motion. As discussed herein above, there is good and sufficient cause to grant this Expedite Motion, as an expedited hearing will allow the Estate to employ Mel T. Davis as auctioneer and obtain Court approval to sell the Assets forthwith at a public auction because the landlords have post-petition administrative rent claims. An expedited hearing will also allow the Trustee to sell the Assets in order to maximize the recovery to the Estate. The Trustee further requests that the hearing take place remotely via WEBEX.

WHEREFORE, John Patrick Lowe, Chapter 7 Trustee, respectfully requests that the Court enter an Order setting an expedited hearing on the Application and the Motion on or before Friday, February 11, 2022, on the Court's calendar and granting such other relief as is just and proper.

Respectfully submitted,

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By: /s/ Randall A. Pulman

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**ATTORNEYS FOR JOHN PATRICK LOWE,
CHAPTER 7 TRUSTEE FOR THE JOINTLY
ADMINISTERED CASE OF IN RE DEEPROOT
CAPITAL MANAGEMENT, LLC ET AL.**

CERTIFICATE OF CONFERENCE

The requested relief involves numerous creditors, such that conferring on the expedited hearing is not appropriate in this situation.

/s/ Randall A. Pulman

Randall A. Pulman

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 2022, I electronically filed the foregoing document using the CM/ECF system, which will serve the document on the following list of parties in interest and parties requesting notice and it was mailed to the Debtors via US First Class Mail, as indicated below. A supplemental Certificate of Service will be filed relating to service on the entire creditor matrix.

Via US First Class Mail

Policy Services, Inc.
deeproot Pinball, LLC
deeproot Growth Runs Deep Fund, LLC
deeproot 575 Fund, LLC
deeproot 3 Year Bonus Income Fund, LLC
deeproot BonusGrowth 5 Year Debenture Fund, LLC
deeproot Tech, LLC
deeproot Funds, LLC
deeproot Studios, LLC
deeproot Capital Management, LLC
12621 Silicon Dr.
San Antonio, TX 78249

Via US First Class Mail

Wizard Mode Media, LLC
12227 S. Business Park Drive, Suite 130
Draper, UT 84020
Debtor's Counsel

Via CM/ECF: pat.lowe.law@gmail.com

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Jason M. Rudd
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Texas Workforce Commission
c/o Christopher S. Murphy
Texas Attorney General's Office
PO Box 12548
Austin, TX 78711

/s/ Randall A. Pulman

Randall A. Pulman

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
DEEPROOT CAPITAL MANAGEMENT,	§	
LLC, ET AL.,	§	BANKRUPTCY No. 21-51523
	§	
DEBTORS.	§	JOINTLY ADMINISTERED

**ORDER GRANTING
MOTION TO EXPEDITE HEARING ON:
[1] TRUSTEE’S APPLICATION TO EMPLOY
MEL T. DAVIS AS AUCTIONEER [ECF 53]; AND
[2] MOTION OF CHAPTER 7 TRUSTEE FOR AUTHORIZATION TO SELL PROPERTY OF THE
ESTATE BY PUBLIC AUCTION AND
TO AUTHORIZE PAYMENT TO AUCTIONEER FROM SALES PROCEEDS [ECF 54]**

Came on for consideration, the *Motion to Expedite Hearing on Trustee’s Application to Employ Mel T. Davis as Auctioneer and Motion of Chapter 7 Trustee for Authorization to Sell Property of the Estate by Public Auction and to Authorize Payment to Auctioneer from Sales Proceeds* (the “**Expedite Motion**”) filed by John Patrick Lowe, Chapter 7 Trustee, in the above

captioned jointly administered bankruptcy case requesting an expedited hearing on the *Trustee's Application to Employ Mel T. Davis as Auctioneer* [Doc # 53] (the “**Application**”)¹ and the *Motion of Chapter 7 Trustee for Authorization to Sell Property of the Estate by Public Auction and to Authorize Payment to Auctioneer from Sales Proceeds* [Doc # 54] (the “**Motion**”).

After considering the pleadings and representations of counsel, the Court is of the opinion that good cause exists to set an expedited hearing on the Application and the Motion, and that the Expedite Motion should in all things be **GRANTED**.

IT IS, THEREFORE, ORDERED that an expedited hearing on the Application and the Motion is hereby set to occur by remote means on the date and time set forth above.

Movant shall be responsible for sending out notice of this hearing.

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Submitted by:

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**ATTORNEYS FOR JOHN PATRICK LOWE,
CHAPTER 7 TRUSTEE FOR THE JOINTLY
ADMINISTERED CASE OF IN RE DEEPROOT
CAPITAL MANAGEMENT, LLC ET AL.**

¹ Capitalized terms unless otherwise defined herein shall have the meaning as ascribed to them in the Motion and Application.